

ON LETTERS PATENT FOR INVENTIONS

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On Letters Patent for Inventions by Frederick Edwards

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FREDERICK EDWARDS

**ON LETTERS PATENT
FOR INVENTIONS**

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BY

FREDERICK EDWARDS, JUN.

AUTHOR OF

"OUR DOMESTIC FIRE-PLACES,"

AND

"A TREATISE ON SMOKY CHIMNEYS."

LONDON:

ROBERT HARDWICKE, 192, PICCADILLY.

1865.

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PREFACE.

At the conclusion of a treatise by the author on the economical use of fuel in domestic fire-places, published a year since, he added some observations on the patent laws, in which he shortly expressed many of the views contained in the following pages. In extending his work for a second edition, he proposed to rewrite his "observations" at greater length; but on considering that the patent question was receiving increased public attention, and that if he had anything new to offer at all, he might most usefully accomplish his purpose by giving it separate publication, he was induced to reprint his former observations, and to delay the preparation of his new little work until a recent publication and the enlarged edition of his "domestic fire-places" had brought him sufficient support to give a pleasure

and zest to his labours. Such support he has had, and sufficient to lead him to hope that as the nature of his publications becomes better understood, they will gradually succeed in bringing to the public some of the benefit of which his suggestions may be capable.

The author cannot regret the little delay in preparing the present treatise, as it has given him the opportunity before writing, of perusing the interesting parliamentary report on the working of the patent law, and he now consigns his pages to his readers, in the hope that on a subject which demands the efforts of many, they may not be without useful influence.

The author has the pleasure to acknowledge the assistance he has received from the observations of Sir William Armstrong, Mr. William Hawes, and Mr. R. A. Macfie, Chairman of the Liverpool Chamber of Commerce, and of others who have preceded him in discussing the patent question.

Great Marlborough Street,

April 4th, 1865.

ON LETTERS PATENT FOR INVENTIONS.

Of the many important subjects that relate to the well-being of the community, there are, perhaps, few more generally interesting than the application of inventive skill to the products and principles of nature for the purposes of life. The machines by which remarkable results are effected, and the appliances by which bodily convenience or comfort is obtained or enhanced, address themselves so directly to the curiosity and understanding, that they are necessarily capable of receiving a larger amount of attention than can be commanded by subjects which, appealing more exclusively to the mind, give greatest satisfaction to the few. And, not merely is there an intrinsic cause for such popularity, but there is one that may be considered peculiar to our time. The wonders which our age has witnessed,—the rapid establishment of railway communications, of steam vessels, of the electric telegraph, the cheapening of manufactures, and the spread of those manufactures to most parts of the globe,—give to all matters connected with discovery and invention a significance they have never had be-

fore; and, if the question how to stimulate invention, by placing the possibility of adequate reward within reach of the inventor, is one that has at many times received the anxious consideration of the thoughtful, that question must be considered to be fraught with tenfold interest now that the changes through which we have passed and are passing seem like the gradual entering of the world on a new and higher phase of existence, and that every year is applying more and more the discovery of the individual to the general benefit of mankind.

The expediency of granting protection to the inventor by means of a monopoly of his invention for a limited period, has been very generally recognized; and every one must admit that it appears to provide a most simple and tangible mode of reward. That the inventor should be recompensed by those who immediately profit by his labors, that his reward should depend on the success of his invention, and on his perseverance in making it known, is so evidently advantageous, that none but the most powerful reasons, and those which comprise within them the true interest of the inventor himself, can suffice to set the system altogether aside. It is, in fact, only within a recent period that patents for inventions have been strongly attacked; but the subject has, nevertheless, been receiving a gradually increasing share of public attention, and, as there is every probability that the question will before long be affected by legislative enactments, every one who takes a strong

interest in matters connected with his country's welfare, must feel increasing anxiety that it should receive the full amount of consideration it deserves, and that the changes which may be effected will be such as will most completely identify the interest of the inventor with that of the community.

Every one who remembers the passing of the Patent Law Amendment Act of 1852, must be aware what reasonable expectations were formed from removing the old complex and expensive machinery, and substituting one that would give instant protection to the inventor, and that, if he should be unsuccessful, might occasion him but inconsiderable loss. And if, on carefully considering the various results of twelve years' working of the Act, he is obliged to see that those results are very different to what he could have expected, and that even the most experienced had been deceived, he will feel the necessity of increased caution in dealing further with the matter; and, whether as observer, as inventor, as manufacturer, or as legislator, will be thankful if he can but in a small degree throw light on a difficult and complex question.

Before entering upon a consideration of the working of the present laws, it will be well to enquire upon what principle of right letters patent for inventions have been considered to repose, and what amount of analogy there is between them and protection by copyright for works of literature and for designs.